

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Alteration of a Public Crossing of the Wisconsin Central Ltd. Tracks with STH 76 in the Town of Greenville, Outagamie County

9164-RX-638

**NOTICE OF POSTPONEMENT
AND NEW HEARING DATE**

The hearing in this matter is currently scheduled for June 29. The railroad's main representative will be out of the state on that date. At the request of the railroad and with the agreement of the Wisconsin Department of Transportation, the matter is being **rescheduled to July 13**.

By letter dated April 26, 2006, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) under §§86.13, 195.28, 195.285, and 195.29, Stats., for the alteration of a public crossing of the Wisconsin Central Ltd. (WCL) tracks with STH 76 in the Town of Greenville, Outagamie County (crossing no. 181 837Y / MP 128.17). The DOT proposes to widen STH 76 between STH 15 and Everglade Road from 22' plus shoulders to 32' plus curb and gutter. The project would also construct a 5'-wide sidewalk behind a 5'-wide terrace on the west side and an 8'-wide recreation trail behind a 5'-wide terrace on the east side of the roadway. The project is proposed for construction in 2007.

DOT also petitioned the OCR for the exemption of vehicles specified in §346.45, Stats., from the requirement to stop at the crossing. That section requires certain specified vehicles, such as fuel trucks and school buses, to stop at highway/rail crossings unless posted with an exempt sign.

The issues for the hearing are:

1. Would alteration of the crossing promote public safety and convenience?
2. Would exempting the crossing promote the public interest, particularly in light of public safety?
3. What warning devices would be necessary to adequately protect and promote public safety?
4. How shall the costs of the crossing construction be apportioned?

The DOT shall have the burden of proof on all issues.

If this proceeding is contested, it is deemed to be a Class I proceeding as defined in §227.01, Stats.

PLEASE NOTE: The Office will hold a public hearing at the **Greenville Town Hall, W6860 Parkview Drive, Greenville, Wisconsin, on July 13, 2006, at 10:00 a.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Wisconsin Central Ltd. in accordance with §195.60, Stats., and RR 2.04.

Upon reasonable notice, the Office will accommodate the needs of disabled individuals. Contact the Office at (608) 266-9536, (608) 267-1479/TTY, or (Fax) (608) 261-8220, or by writing to the Office at 610 N. Whitney Way, Room 110, PO Box 8968, Madison, Wisconsin 53708-8968.

Please contact the OCR staff with any questions, at (608) 266-7607 or 266-0276.

Dated at Madison, Wisconsin, (June 22, 2006).

By the Office of the Commissioner of Railroads.

Douglas S. Wood, Hearing Examiner